

STATE OF NEW YORK

7979

IN SENATE

March 15, 2018

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to granting members of the city's police force eligibility for retirement and pension based on previous service as traffic enforcement agents

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 343 of the retirement and social security law is
2 amended by adding a new subdivision i to read as follows:

3 i. Notwithstanding any other provision of law to the contrary, a
4 member of the New York state and local police and fire retirement system
5 who previously served as a New York city traffic enforcement agent shall
6 be entitled to receive his or her service credit earned exclusively
7 while working in that capacity in the New York city employees' retire-
8 ment system to the New York state police and fire retirement system and
9 may buy back and receive service credit for the period of time such
10 member was previously employed as a New York city traffic enforcement
11 agent. Provided, however, that a member shall not utilize the buyback
12 provision under this subdivision to revert to a previous original date
13 of membership different than the original date of membership in the New
14 York state and local police and fire retirement system.

15 § 2. The retirement and social security law is amended by adding a new
16 section 381-c to read as follows:

17 § 381-c. Service credit for members with previous service as New York
18 city traffic enforcement agents. Notwithstanding any other provision of
19 law to the contrary, a member of the New York state and local police and
20 fire retirement system enrolled in a plan pursuant to the provisions of
21 this title who previously served as a New York city traffic enforcement
22 agent shall be entitled to transfer his or her service credit earned
23 exclusively while working in that capacity in the New York city employ-
24 ees' retirement system to the New York state police and fire retirement
25 system and may buy back and receive service credit for the period of
26 time such member was previously employed as a New York city traffic

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 enforcement agent. Provided, however, that a member shall not utilize
2 the buyback provision under this section to revert to a previous
3 original date of membership different than the original date of member-
4 ship in the New York state and local police and fire retirement system.

5 § 3. The retirement and social security law is amended by adding a new
6 section 446-a to read as follows:

7 § 446-a. Transfer of members of the New York city police department
8 from traffic enforcement to the police force. a. The time served as a
9 member of the city's traffic enforcement who has become a member of the
10 police force of the city of New York, whether by transfer or as a result
11 of a competitive examination and appointment, and who is still a member
12 of the police force of the city of New York, shall be included and
13 counted as service in the police force for the police department of the
14 city of New York in determining retirement and pension as provided in
15 this section, provided, however, that no person becoming a member of the
16 police department of the city of New York in the manner herein provided,
17 shall be entitled to participate in the benefits of the police pension
18 fund, unless he or she shall pay into such fund the total sum that he or
19 she would have been required to pay in order to participate therein had
20 he or she been a member of such force from the time he or she entered
21 the service of traffic enforcement. These provisions shall not be
22 subject to any restriction relative to transfers contained in the civil
23 service law or in the rules and regulations of the civil service commis-
24 sion of the state, or any subdivision thereof.

25 b. Notwithstanding any other provisions of law to the contrary, a
26 member of the New York city police department shall be entitled to buy
27 back and receive service credit for the period of time such member was
28 previously employed as a New York city traffic enforcement agent pursu-
29 ant to subdivision a of this section. Provided, however, that a member
30 shall not utilize the buyback provision under this section to revert to
31 a previous original date of membership different than the original date
32 of membership in the police pension fund of the city of New York.

33 § 4. The retirement and social security law is amended by adding a new
34 section 517-d to read as follows:

35 § 517-d. Transfer of members of the New York city police department
36 from traffic enforcement to the police force. a. The time served as a
37 member of the city's traffic enforcement who has become a member of the
38 police force of the city of New York, whether by transfer or as a result
39 of a competitive examination and appointment, and who is still a member
40 of the police force of the city of New York, shall be included and
41 counted as service in the police force for the police department of the
42 city of New York in determining retirement and pension as provided in
43 this section, provided, however, that no person becoming a member of the
44 police department of the city of New York in the manner herein provided,
45 shall be entitled to participate in the benefits of the police pension
46 fund, unless he or she shall pay into such fund the total sum that he or
47 she would have been required to pay in order to participate therein had
48 he or she been a member of such force from the time he or she entered
49 the service of traffic enforcement. These provisions shall not be
50 subject to any restriction relative to transfers contained in the civil
51 service law or in the rules and regulations of the civil service commis-
52 sion of the state, or any subdivision thereof.

53 b. Notwithstanding any other provisions of law to the contrary, a
54 member of the New York city police department shall be entitled to buy
55 back and receive service credit for the period of time such member was
56 previously employed as a New York city traffic enforcement agent pursu-

1 ant to subdivision a of this section. Provided, however, that a member
2 shall not utilize the buyback provision under this section to revert to
3 a previous original date of membership different than the original date
4 of membership in the police pension fund of the city of New York.

5 § 5. The administrative code of the city of New York is amended by
6 adding a new section 13-633 to read as follows:

7 § 13-633 Transfer of members of the New York city police department
8 from traffic enforcement to the police force. a. The time served as a
9 member of the city's traffic enforcement who has become a member of the
10 police force of the city, whether by transfer or as a result of a
11 competitive examination and appointment, and who is still a member of
12 the police force of the city, shall be included and counted as service
13 in the police force for the police department of the city in determining
14 retirement and pension as provided in this code, provided, however,
15 that no person becoming a member of the police department of the city in
16 the manner herein provided, shall be entitled to participate in the
17 benefits of the police pension fund, unless he or she shall pay into
18 such fund the total sum that he or she would have been required to pay
19 in order to participate therein had he or she been a member of such
20 force from the time he or she entered the service of traffic enforce-
21 ment. These provisions shall not be subject to any restriction relative
22 to transfers contained in the civil service law or in the rules and
23 regulations of the civil service commission of the state, or any subdi-
24 vision thereof.

25 b. Notwithstanding any other provisions of law, a member of the New
26 York city police department shall be entitled to buy back and receive
27 service credit for the period of time such member was previously
28 employed as a New York city traffic enforcement agent pursuant to subdi-
29 vision a of this section. Provided, however, that a member shall not
30 utilize the buyback provision under this section to revert to a previous
31 original date of membership different than the original date of member-
32 ship in the police pension fund.

33 § 6. This act shall take effect on the thirtieth day after it shall
34 have become a law.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would modify the laws governing certain New York City public retirement systems in regards to granting creditable service for employment as a New York City traffic enforcement agent.

This bill would also affect the New York State and Local Police and Fire Retirement System (NYSLPFRS). Members who transfer into NYSLPFRS with traffic enforcement agent service would receive creditable service towards retirement under a special 20 or 25 year retirement plan in the NYSLPFRS. Currently, traffic enforcement agent service is not creditable service in a 20 or 25 year retirement plan in the NYSLPFRS.

If this bill is enacted, insofar as this bill would affect the NYSLPFRS, for such members who transfer to the NYSLPFRS in the future, there would be no cost to the NYSLPFRS.

However, there would be a cost for any member who has already transferred to the NYSLPFRS and would receive additional service credit under a special 20 or 25 year retirement plan. The cost would depend on the age, service, salary and plan of such affected members. IN all likelihood, very few members would be affected. Costs for any affected members would be borne by the State of New York and all the participating employers in the NYSLPFRS.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016 and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 19, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-19, prepared by the Actuary for the New York State and Local Retirement System.